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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF PENNSYLVANIA
9

10 ALLSOP, INC., a Washington corporation,
11 Plaintiff,
12 v.
13 QVC, INC., a Delaware corporation,
14 Defendant.

Civil Action No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL REQUESTED

14 Plaintiff Allsop, Inc. (“Allsop”) alleges the following causes of action against Defendant
15 QVC, Inc. (“QVC”).
16

17 **I. PARTIES**

18 1. Plaintiff Allsop, Inc. is a corporation of the State of Washington, having a business
19 address of 909 Squalicum Way, #111, Bellingham, Washington 98225.

20 2. On information and belief, QVC is a Delaware corporation having a principal
21 business address at 1200 Wilson Drive, West Chester, Pennsylvania 19380. The registered agent
22 for QVC is listed as: Corporation Service Company of Dauphin County, 2595 Interstate Dr. #103,
23 Harrisburg, PA 17110.

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26
COMPLAINT - 1

Civil Action No.

Lowe Draft Complaint

LOWE GRAHAM JONES, PLLC



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II. JURISDICTION AND VENUE

3. This civil action arises under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.* This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1332.

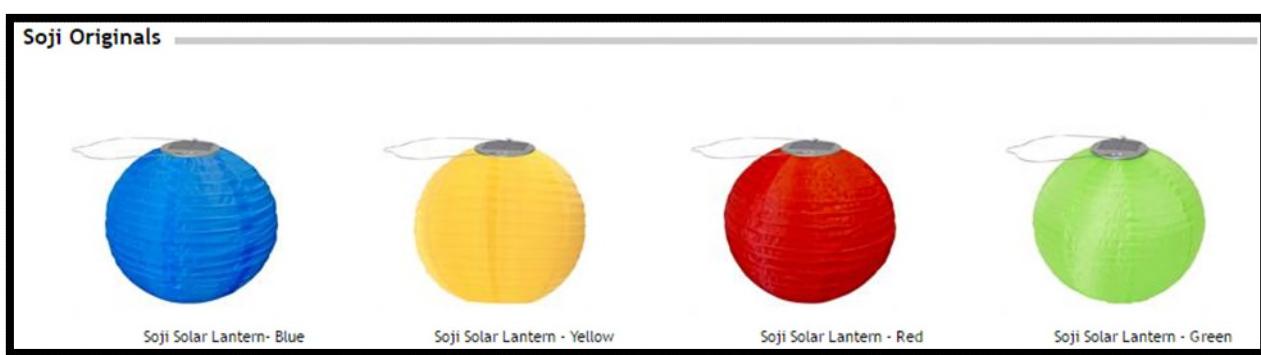
4. QVC has offered for sale or sold collapsible hanging solar LED lanterns in various sizes and shapes that include a solar cell, battery, and light in the United States, conducting such acts from its headquarters located in the Eastern District of Pennsylvania. QVC sells its lanterns directly (as well as via related companies, distributors, and retailers) to customers nationally, including in this district.

5. Venue with respect to QVC is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) as well as under 28 U.S.C. § 1400(b) because QVC resides in the Eastern District of Pennsylvania within the meaning of 28 U.S.C. § 1391(c). QVC is doing business in this district, and has committed acts of infringement within this judicial district.

III. ALLSOP'S PATENTED PRODUCTS

6. Allsop has designed, engineered, developed, licensed, or manufactured a wide variety of consumer products under its Allsop® brand, including a variety of solar powered collapsible decorative lanterns referred to as "Collapsible Lantern" products.

7. Allsop's Collapsible Lantern products are offered and sold in a wide variety of colors and shapes, and include (for example) the Soji Original solar lanterns shown below:



1 8. Allsop's Collapsible Lanterns have enjoyed commercial success, and have been
 2 sold throughout the United States and elsewhere.

3 9. Allsop is also the owner of United States Patent No. 7513638 ("638 Patent") issued
 4 on April 7, 2009 and entitled "Solar-Powered Collapsible Lighting Apparatus."

5 10. Allsop is also the owner of United States Patent No. 8192044 ("044 Patent") issued
 6 on June 5, 2012 and entitled "Solar-Powered Collapsible Lighting Apparatus."

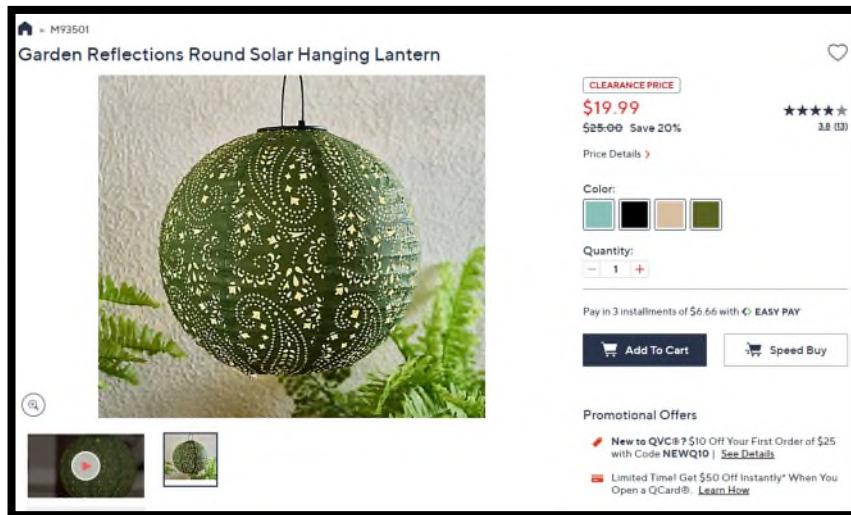
7 11. Allsop is the owner of United States Patent No. 8657461 ("461 Patent") issued on
 8 February 25, 2014, and entitled "Solar-Powered Collapsible Lighting Apparatus."

9 12. Allsop has marked its Collapsible Lanterns with patent numbers.

IV. QVC'S WRONGFUL CONDUCT

11 13. QVC has made, imported, offered for sale, and/or sold Collapsible Lantern products
 12 that infringe Allsop's patent rights. The QVC products are structurally and/or functionally identical
 13 to those made and sold by Allsop, and within the scope of one or more claims of the 628, 044
 14 and/or 461 Patents.

15 14. For example, QVC has offered for sale and sold the "Garden Reflections Round
 16 Solar Hanging Lantern" as shown in the image below via its interactive online storefront:



1 <https://www.qvc.com/garden-reflections-round-solar-hanging-lantern.product.M93501.html>.

2 Discovery may reveal other models that also infringe the asserted patents.

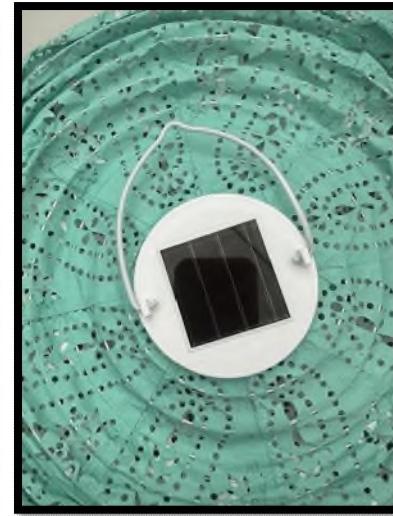
3 15. The QVC Collapsible Lanterns include a lighting element assembly having a
 4 lighting element (in this case an LED), a solar cell, and a battery unit. This is confirmed, *inter alia*,
 5 via the product description provided by QVC as follows:

6 **Description**

7 During the day, this hanging lantern makes a lovely decoration with its punctuated patterns. After the sun sets, you'll find
 8 another reason to love it - the solar powered design gives off an enchanting glow. From Garden Reflections.

- 9
- 10 • Includes paper-style lantern, wire hanger, and solar panel with rechargeable battery
 - 11 • Three lumen single LED light bulb
 - 12 • Weather- and fade-resistant
 - Hook is corrosion-resistant
 - Comes flat packed
 - Measures 11-3/4"Diam
 - Imported

13 16. This is further confirmed via the product images showing the LED lighting element
 14 visible looking upwards into the shade from the bottom and the solar cell looking downwards from
 15 the top:



17. These images confirm that the QVC Collapsible Lantern further includes a collapsible shade, such as shown in the images above showing the shade of the Collapsible Lantern in the collapsed position. The shade includes a frame defining the shape, in which the frame is visible in the collapsed shade as circular or spiral ribs.

18. These images confirm that the QVC Collapsible Lantern further includes a support unit having a top portion housing the solar cell and battery unit, a bottom portion positioned within or proximate to the bottom opening, and a connecting device that connects the top and bottom portions of the support unit, wherein the top portion is positioned within and at least partially below the top opening and the lighting element assembly is positioned within the collapsible shade in both its collapsed and deployed states.

19. QVC has known that its Collapsible Lanterns infringe the Allsop patent. QVC was previously notified in writing of Allsop's patent rights at least in letter dates March 14, 2007, February 4, 2011, March 10, 2011, and May 6, 2024. Despite notice to QVC and follow-up correspondence thereafter, QVC has continued to sell its infringing Collapsible Lanterns with full knowledge of the patent and in reckless disregard of the infringement.

V. CAUSES OF ACTION

Count I: Patent Infringement of U.S. Patent No. 7513638

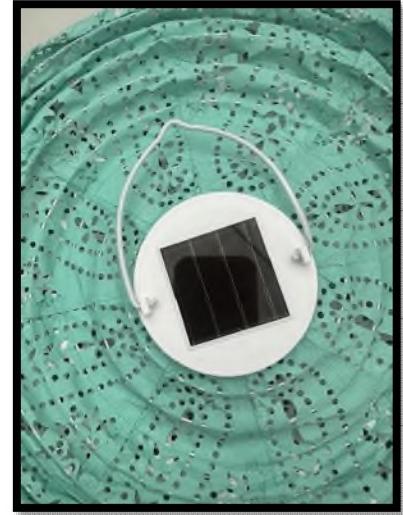
20. Allsop realleges the preceding paragraphs of this complaint.

21. Allsop is the owner of United States Patent No. 7513638, has sold products embodying the claimed invention, and has marked its products with the 638 patent number.

1 22. QVC has made, used, imported, offered for sale,
 2 and/or sold Collapsible Lantern products that infringe Allsop's 683
 3 Patent. See, for example, the "Garden Reflections Round Solar
 4 Hanging Lantern" shown in the image to the right.



5 23. With respect to exemplary claim 1, the QVC
 6 Collapsible Lantern includes a lighting element assembly having a
 7 lighting element (in this case an LED), a solar cell, and a battery
 8 unit. This is confirmed via the above-quoted product description
 9 provided by QVC, and further by the product images showing the LED lighting element visible
 10 looking upwards into the shade from the bottom and the solar cell looking downwards from the
 11 top:



21 24. The QVC Collapsible Lantern further includes a collapsible shade, such as shown
 22 in the images above showing the shade of the Collapsible Lantern in the collapsed position. The
 23 shade includes a frame defining the shape, in which the frame is visible in the collapsed shade as
 24 circular or spiral ribs.



1 25. These images confirm that the QVC Collapsible Lantern further includes a support
 2 unit having a top portion housing the solar cell and battery unit, a bottom portion positioned within
 3 or proximate to the bottom opening, and a connecting device that connects the top and bottom
 4 portions of the support unit, wherein the top portion is positioned within and at least partially below
 5 the top opening and the lighting element assembly is positioned within the collapsible shade in
 6 both its collapsed and deployed states.

7 26. QVC has not been granted any license or authority from Allsop.

8 27. QVC's above activities with respect to the accused Collapsible Lanterns constitute
 9 direct infringement of the 638 Patent.

10 28. As a direct result of the infringing activity by QVC, Allsop has suffered, and will
 11 continue to suffer, damages in an amount to be established at trial. In addition, Allsop has suffered,
 12 and continues to suffer, irreparable harm for which there is no adequate remedy at law.

13 29. Allsop is entitled to and therefore demands damages, costs, and attorney's fees as
 14 allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

15 30. The infringement by QVC was with full knowledge of the Allsop patent, and has
 16 continued despite that knowledge. QVC's infringement is in willful disregard of Allsop's patent
 17 rights.

18 31. This is an exceptional case for purposes of awarding monetary damages, costs and
 19 attorney's fees.

20 **Count II: Patent Infringement of U.S. Patent No. 8192044**

21 32. Allsop realleges the preceding paragraphs of this complaint.

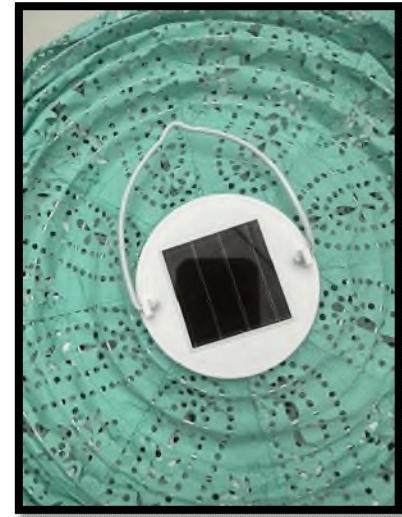
22 33. Allsop is the owner of United States Patent No. 8192044, has sold products
 23 embodying the claimed invention, and has marked its products with the 044 patent number.



1 34. QVC has made, used, imported, offered for sale,
 2 and/or sold Collapsible Lantern products that infringe Allsop's 044
 3 Patent. See, for example, the "Garden Reflections Round Solar
 4 Hanging Lantern" shown in the image to the right.



5 35. With respect to either exemplary claim 1 or 12, the
 6 QVC Collapsible Lantern includes a lighting element assembly
 7 having a lighting element (in this case an LED), a solar cell, and a
 8 battery unit. This is confirmed via the above-quoted product
 9 description provided by QVC, and further by the product images showing the LED lighting
 10 element visible looking upwards into the shade from the bottom and the solar cell looking
 11 downwards from the top:



21 36. These images confirm that the QVC Collapsible Lantern further includes a housing
 22 having a recess for receiving the solar cell, a compartment for receiving the battery unit, an opening
 23 through which the lighting element protrudes and an upper section separably secured to a lower
 24 section, and a housing having two sections separably secured together, the housing having portions
 25 for receiving the solar cell a battery, and an attachment for the lighting element.
 26



1 37. These images confirm that the QVC Collapsible Lantern further includes a light-
 2 transmissible, fabric, collapsible shade having an upper portion defining an opening, the upper
 3 portion clamped between the upper section and lower section of the housing, and a light-
 4 transmissible collapsible shade assembly having an upper portion defining an opening, the upper
 5 portion clamped directly between the two sections of the housing.

6 38. QVC has not been granted any license or authority from Allsop.

7 39. QVC's above activities with respect to the accused Collapsible Lanterns constitute
 8 direct infringement of the 044 Patent.

9 40. As a direct result of the infringing activity by QVC, Allsop has suffered, and will
 10 continue to suffer, damages in an amount to be established at trial. In addition, Allsop has suffered,
 11 and continues to suffer, irreparable harm for which there is no adequate remedy at law.

12 41. Allsop is entitled to and therefore demands damages, costs, and attorney's fees as
 13 allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

14 42. The infringement by QVC was with full knowledge of the Allsop patent, and has
 15 continued despite that knowledge. QVC's infringement is in willful disregard of Allsop's patent
 16 rights.

17 43. This is an exceptional case for purposes of awarding monetary damages, costs and
 18 attorney's fees.

19 **Count III: Patent Infringement of U.S. Patent No. 8657461**

20 44. Allsop realleges the preceding paragraphs of this complaint.

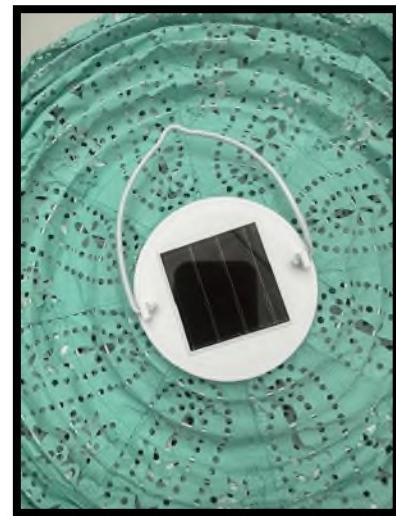
21 45. Allsop is the owner of United States Patent No. 8657461, has sold products
 22 embodying the claimed invention, and has marked its products with the 461 patent number.



1 46. QVC has made, used, imported, offered for
 2 sale, and/or sold Collapsible Lantern products that infringe
 3 Allsop's 461 Patent. See, for example, the "Garden
 4 Reflections Round Solar Hanging Lantern" shown in the
 5 image to the right.



6 47. With respect to exemplary claims 1, 16, 17
 7 and/or 20, the QVC Collapsible Lantern includes a lighting
 8 element assembly having a lighting element (in this case an
 9 LED), a solar cell and a battery unit. This is confirmed via the above-quoted product description
 10 provided by QVC, and further by the product images showing the LED lighting element visible
 11 looking upwards into the shade from the bottom and the solar cell looking downwards from the
 12 top:



22 1. These images confirm that the QVC Collapsible Lantern further includes a
 23 collapsible shade, such as shown in the images above showing the shade of the Collapsible Lantern
 24 in the collapsed position. The shade includes a frame defining the shape, in which the frame is
 25 visible in the collapsed shade as circular or spiral ribs.



2. These images confirm that the QVC Collapsible Lantern further includes a support unit or housing having a top portion housing the solar cell and battery unit, a bottom portion positioned within or proximate to the bottom opening, and a connecting device that connects the top and bottom portions of the support unit, wherein the top portion is secured to the top opening when the collapsible shade is in both its collapsed and deployed states, and at least a portion of the lighting element assembly is positioned below the top opening when the collapsible shade is in both its collapsed and deployed states.

3. QVC has not been granted any license or authority from Allsop.

4. QVC's above activities with respect to the accused Collapsible Lanterns constitute direct infringement of the 461 Patent.

5. As a direct result of the infringing activity by QVC, Allsop has suffered, and will continue to suffer, damages in an amount to be established at trial. In addition, Allsop has suffered, and continues to suffer, irreparable harm for which there is no adequate remedy at law.

6. Allsop is entitled to and therefore demands damages, costs, and attorney's fees as allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

7. The infringement by QVC was with full knowledge of the Allsop patent, and has continued despite that knowledge. QVC's infringement is in willful disregard of Allsop's patent rights.

8. This is an exceptional case for purposes of awarding monetary damages, costs and attorney's fees.

VI. PRAYER FOR RELIEF

Allsop requests the following alternative and cumulative relief:

A. Judgment that QVC has infringed United States Patent Nos. 7513638, 8192044 and/or 8657461.

B. That QVC, its respective agents, servants, employees, attorneys, and all other persons in active concert or in participation with it, be preliminarily and permanently enjoined and restrained from importing, making, using, selling, or offering to sell collapsible lighting products and any other products that infringe any claim of the asserted patents;

C. That QVC pay damages adequate to compensate Allsop for the infringement by the QVC, and in no event less than a reasonable royalty for the use of the invention;

D. That the damages award be trebled pursuant to 35 U.S.C. § 284;

E. That Allsop be granted its reasonable attorneys' fees pursuant to 35 U.S.C. § 285 or other applicable laws;

F. That Allsop be awarded prejudgment interest, post-judgment interest, and costs;

G. That QVC, its respective agents, servants, employees, attorneys, and all other persons in active concert or in participation with it, be ordered to produce all accused products for destruction and to file and serve a report in writing under oath setting forth in detail the manner and form in which QVC has complied with this requirement; and

H. For other and further relief as is provided by law and that this Court deems just and proper.

VII. JURY DEMAND

Allsop requests a jury trial.



1 RESPECTFULLY SUBMITTED June 10, 2024
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